



US Army Corps  
of Engineers  
Seattle District

# Public Notice of Application for Permit

Regulatory Branch  
Post Office Box 3755  
Seattle, Washington 98124-3755  
Telephone (206) 764-3495  
ATTN: Randel Perry, Project Manager

Public Notice Date: November 23, 2005  
Expiration Date: December 23, 2005  
Reference: 200501264  
Name: Anacortes, Port of

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Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit in accordance with Section 10 of the Rivers and Harbors Act of March 3, 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Port of Anacortes  
Ms. Margaret Schwertner  
Post Office Box 297  
Anacortes, Washington 98221-0297  
Telephone (360) 299-1827

LOCATION - In Swinomish Channel and Fidalgo Bay at Anacortes, Washington.

WORK - Dredge up to 60,000 cubic yards from 11 acres by clamshell. Disposal of the dredged material will be in the proposed Fidalgo Bay eelgrass habitat project site.

PURPOSE - Maintain suitable navigational depths and construct marine habitat.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA) - Dredged Material Testing: The proposed dredged material has been tested according to the procedures specified in PSDDA, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Puget Sound. The PSDDA evaluations may include both chemical and biological testing of sediments. For this project, the Puget Sound Dredge Disposal Analysis (PSDDA) agencies determined that all 60,000 cubic yards were suitable for unconfined disposal at the PSDDA nondispersive (or dispersive) open-water disposal site or at an approved beneficial reuse site. The sediment testing data are available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office.

ADDITIONAL INFORMATION - The Port of Anacortes had coordinated the proposed dredging activities with the Corps' Navigation Section. The proposed work is consistent with the navigation channel's dimensions. Dredged material will be used to construct approximately 6 acres of subtidal habitat in Fidalgo Bay at an elevation suitable to support eelgrass colonization and planting. The habitat site would augment and enhance existing eelgrass habitat in Fidalgo Bay. Construction of the habitat site with dredged materials has been approved by the Washington State Department of Fish and Wildlife (WDFW). The Port has entered into an agreement with WDFW to allow the future planting of eelgrass at the constructed site to be used as mitigation for future Port projects.

ENDANGERED SPECIES - The bald eagle (*Haliaeetus leucocephalus*), listed threatened; marbled murrelet (*Brachyramphus marmoratus*), listed threatened; Puget Sound chinook (*Oncorhynchus tshawytscha*), listed threatened; Coastal/Puget Sound bull trout (*Salvelinus confluentus*), listed threatened; Steller sea lion (*Eumetopias jubatus*), listed threatened; humpback whale (*Megaptera novaeangliae*), listed endangered; southern resident killer whales (*Orcinus orca*), proposed for listing; and leatherback sea turtle (*Dermochelys coriacea*), listed endangered in the state of Washington, occur in the proposed project area. Critical habitat for bull trout and Chinook salmon occurs in the proposed project area. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to the bald eagle, marbled murrelet, Puget Sound chinook, Coastal/Puget Sound bull trout, Steller sea lion, humpback whale, and leatherback sea turtle. A preliminary determination indicates that the activity may affect, but will not adversely affect listed Chinook salmon, bull trout, marbled murrelets, killer whales and bald eagles and will have no effect on listed steller sea lion, humpback whale, and leatherback sea turtle. A preliminary determination indicates that the activity may affect, but will not adversely affect designated critical habitat for Chinook salmon and bull trout. Informal consultation under Section 7 of the Act will be required.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, groundfish, coastal pelagic species occurs in the project area. The proposed action would impact approximately 17 acres of EFH for these species.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES - The District Engineer (DE) has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The DE invites responses to this public notice from Native American Nations or tribal governments, Federal, State, and local agencies, historical and archeological societies, and other parties likely to have knowledge of or concerns with historic properties in the area.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns,

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wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of a Shorelines Permit Exemption being processed by Skagit County.

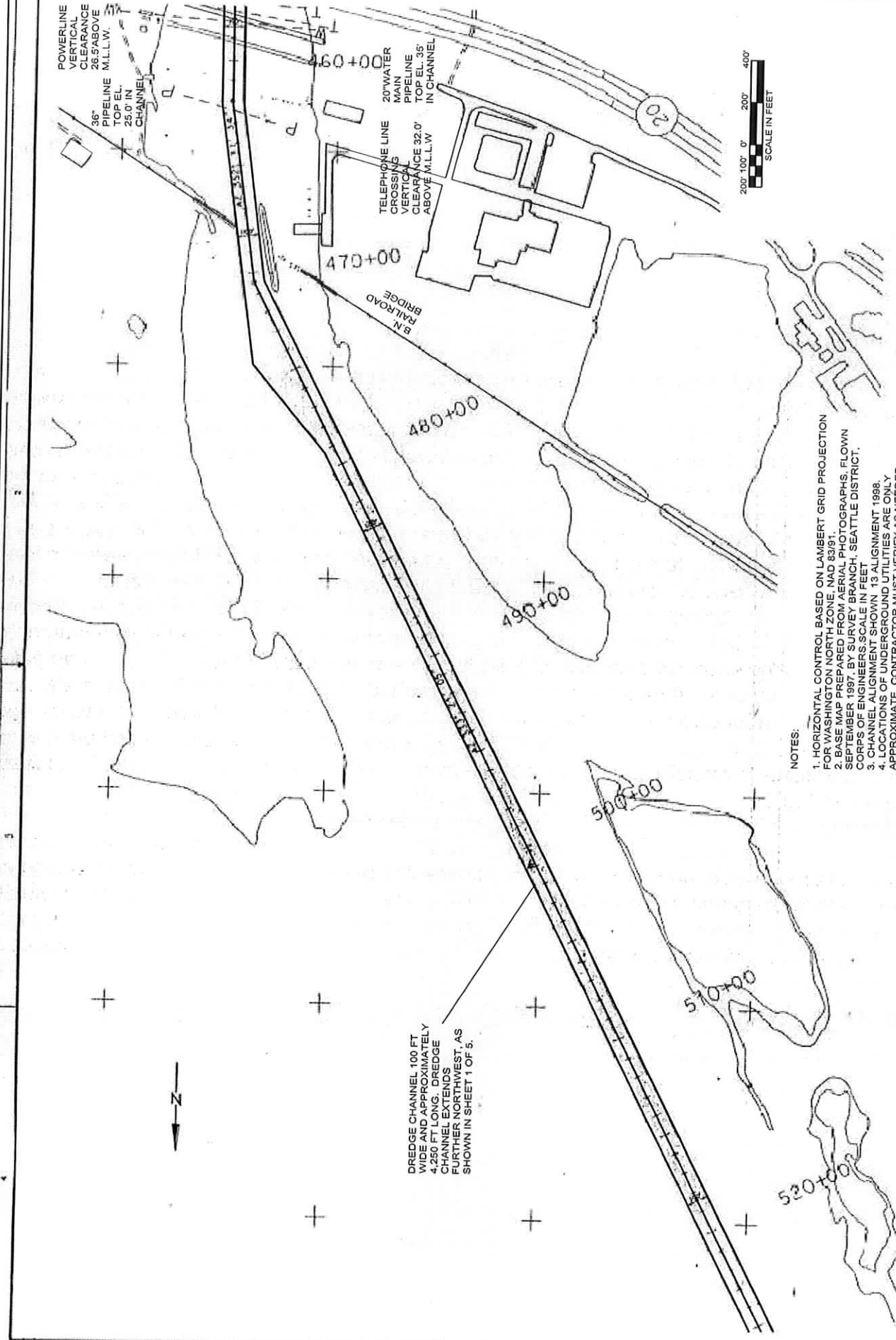
COMMENT AND REVIEW PERIOD – Conventional mail or email comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, email comments must originate from the author's email account and must include on the subject line of the email message the permit applicant's name and reference number as shown below. All email comments should be sent to Randel Perry, Project Manager, at [Randel.J.Perry@usace.army.mil](mailto:Randel.J.Perry@usace.army.mil). Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755. Both conventional mail or email comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or email must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Anacortes, Port of, 200501264

Encl

Drawings (5)





- NOTES:
1. HORIZONTAL CONTROL BASED ON LAMBERT GRID PROJECTION FOR WASHINGTON NORTH ZONE, NAD 83/91.
  2. BASE MAP PREPARED FROM AERIAL PHOTOGRAPHS, FLOWN SEPTEMBER 1997, BY SURVEY BRANCH, SEATTLE DISTRICT, CORPS OF ENGINEERS. SCALE IN FEET.
  3. CHANNEL ALIGNMENT SHOWN 13 ALIGNMENT 1998.
  4. LOCATIONS OF UNDERGROUND UTILITIES ARE ONLY APPROXIMATE. CONTRACTOR MUST VERIFY AS NEEDED.

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# SWINOMISH CHANNEL MOUTH MAINTENANCE DREDGING SWINOMISH CHANNEL MOUTH PLAN VIEW

PURPOSE: CONSTRUCT THE FIDALGO BAY HABITAT SITE WITH THE BENEFICIAL RE-USE OF DREDGED MATERIAL FROM THE SWINOMISH CHANNEL  
HORIZONTAL DATUM: MLLW  
ADJACENT PROPERTY OWNERS:  
① SWINOMISH TRIBAL COMMUNITY  
② DEPARTMENT OF NATURAL RESOURCES  
③ TESORO PETROLEUM CORP.  
④ EQUILON ENTERPRISES

PROPOSED: DREDGE UP TO 60,000 CUBIC YARDS OF SAND FROM THE MOUTH OF THE SWINOMISH CHANNEL AND CONSTRUCT THE FIDALGO BAY HABITAT SITE  
IN: SWINOMISH CHANNEL AND FIDALGO BAY  
AT: ANACORTES, WA., SKAGIT CO.  
SEC11:18, TWP34N,35N, R02E  
APPLICATION BY: PORT OF ANACORTES  
SHEET NO. 2 OF 5 DATE: 03/31/05

GUEMES  
ISLAND

GUEMES CHANNEL

Cap Sante  
Marina

ANACORTES

Fidalgo Bay  
Habitat Site

Dredged Material  
Placement

Fidalgo Bay  
Mudline

Oil Dock

March Point

East Channel

Cordell Spit

Weavering Spit

FIDALGO BAY

# LEGEND

- Dense Marine Vegetation; Primarily Eelgrass
- Patchy Marine Vegetation; Primarily Eelgrass
- Sparse Marine Vegetation; Primarily Eelgrass

PROJECT LOCATION

NOT TO SCALE

0' 1500' 3000' 6000'

PURPOSE: CONSTRUCT THE FIDALGO BAY HABITAT SITE  
WITH THE BENEFICIAL RE-USE OF DREDGED MATERIAL  
FROM THE SWINOMISH CHANNEL

HORIZONTAL DATUM: MLLW

ADJACENT PROPERTY OWNERS:

- ① SWINOMISH TRIBAL COMMUNITY
- ② DEPARTMENT OF NATURAL RESOURCES
- ③ TESORO PETROLEUM CORP.
- ④ EQUILON ENTERPRISES

## SWINOMISH CHANNEL MOUTH MAINTENANCE DREDGING

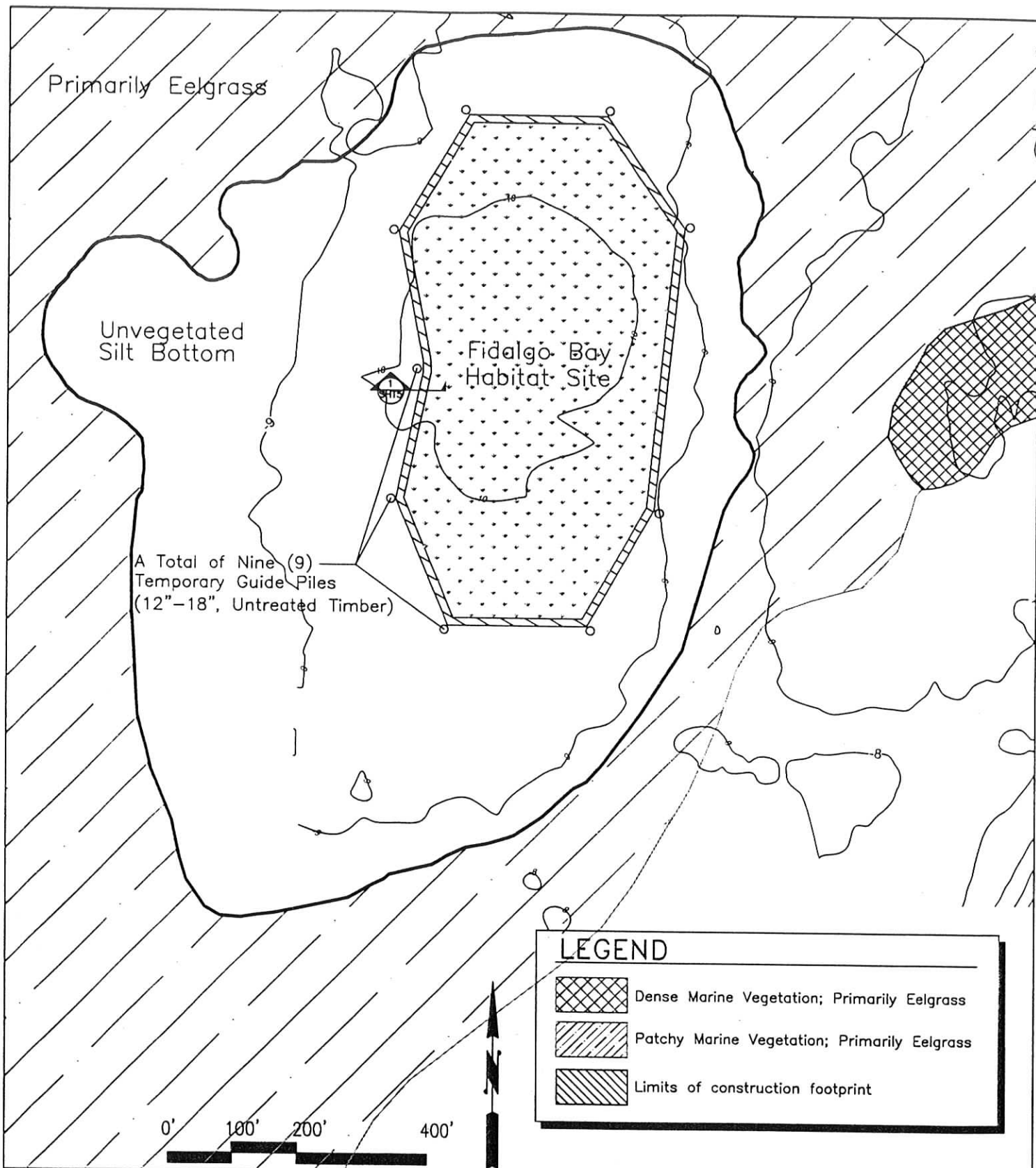
## FIDALGO BAY HABITAT SITE VICINITY MAP

PROPOSED: DREDGE UP TO 60,000 CUBIC YARDS  
OF SAND FROM THE MOUTH OF THE SWINOMISH  
CHANNEL AND CONSTRUCT THE FIDALGO BAY  
HABITAT SITE  
IN: SWINOMISH CHANNEL AND FIDALGO BAY  
AT: ANACORTES, WA., SKAGIT CO.  
SEC11;18, TWP34N;35N, R02E  
APPLICATION BY: PORT OF ANACORTES

SHEET NO. 3 OF 5 DATE: 03/31/05

Corps Ref # 200501264





PURPOSE: CONSTRUCT THE FIDALGO BAY HABITAT SITE WITH THE BENEFICIAL RE-USE OF DREDGED MATERIAL FROM THE SWINOMISH CHANNEL

HORIZONTAL DATUM: MLLW

ADJACENT PROPERTY OWNERS:

- ① SWINOMISH TRIBAL COMMUNITY
- ② DEPARTMENT OF NATURAL RESOURCES
- ③ TESORO PETROLEUM CORP.
- ④ EQUILON ENTERPRISES

## SWINOMISH CHANNEL MOUTH MAINTENANCE DREDGING

### FIDALGO BAY HABITAT SITE - PLAN VIEW

PROPOSED: DREDGE UP TO 60,000 CUBIC YARDS OF SAND FROM THE MOUTH OF THE SWINOMISH CHANNEL AND CONSTRUCT THE FIDALGO BAY HABITAT SITE

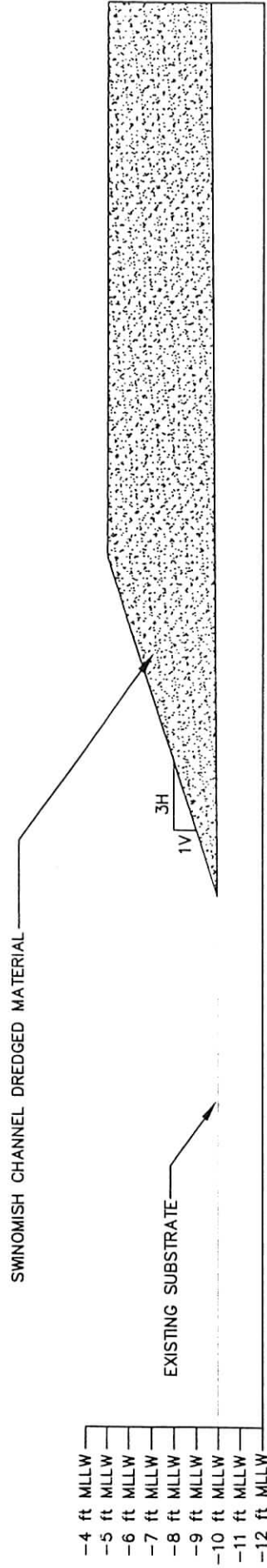
IN: SWINOMISH CHANNEL AND FIDALGO BAY AT: ANACORTES, WA., SKAGIT CO.

SEC11:18, TWP34N:35N, R02E

APPLICATION BY: PORT OF ANACORTES

SHEET NO. 4 OF 5 DATE: 03/31/05

Corps Ref # 200501264



1  
SHT 4

0' 3.5' 7' 14'

Corps Ref # 200501264

PURPOSE: CONSTRUCT THE FIDALGO BAY HABITAT SITE WITH THE BENEFICIAL RE-USE OF DREDGED MATERIAL FROM THE SWINOMISH CHANNEL

HORIZONTAL DATUM: MLLW

ADJACENT PROPERTY OWNERS:

- ① SWINOMISH TRIBAL COMMUNITY
- ② DEPARTMENT OF NATURAL RESOURCES
- ③ TESORO PETROLEUM CORP.
- ④ EQUILON ENTERPRISES

**SWINOMISH CHANNEL MOUTH  
MAINTENANCE DREDGING  
FIDALGO BAY HABITAT  
SITE - CROSS-SECTION**

PROPOSED: DREDGE UP TO 60,000 CUBIC YARDS OF SAND FROM THE MOUTH OF THE SWINOMISH CHANNEL AND CONSTRUCT THE FIDALGO BAY HABITAT SITE

IN: SWINOMISH CHANNEL AND FIDALGO BAY

AT: ANACORTES, WA, SKAGIT CO.

SECT 118, TWP 34N, 35E, R02E

APPLICATION BY: PORT OF ANACORTES

SHEET NO. 5 OF 5 DATE: 03/31/05





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
*P.O. Box 47600 • Olympia, Washington 98504-7600*  
*(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Notice of Application for  
Water Quality Certification  
and for  
Certification of Consistency with the  
Washington Coastal Zone Management Program

Date: November 23, 2005

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200501264 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator  
Department of Ecology  
SEA Program  
Post Office Box 47600  
Olympia, Washington 98504-7600